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United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
Ninth meeting
23-27 June 2008

Format and annotated provisional agenda

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, which established the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the "Consultative Process"), the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions at the Consultative Process that best facilitates its work, in accordance with the rules of procedure and practices of the General Assembly. It is recalled that the mandate of the Consultative Process was extended by the General Assembly for three years in resolution 57/141, and for an additional three-year period in resolution 60/30.

2. On the basis of consultations with delegations and of an informal preparatory meeting held at United Nations Headquarters on 18 March 2008, the Co-Chairpersons, Lorraine (Lori) Ridgeway (Canada) and Paul Badji (Senegal), developed a format for the discussions at the ninth meeting of the Consultative Process (see annex I) and are proposing a provisional agenda for the meeting (see annex II).

3. The areas of concentration for the discussion panel on the topic "Maritime security and safety" are presented in annex III and are intended to identify important issues that the discussion panel may wish to consider, in particular by reference to the annual report of the Secretary-General on oceans and the law of the sea (A/63/63).

4. The Consultative Process is invited to consider and adopt the provisional agenda.

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Annex I

Format for the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Methods of work

1. Pursuant to General Assembly resolution 54/33, at its ninth meeting, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will work through plenary sessions and a discussion panel.

2. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of resolution 54/33. The discussion panel will also be open to participation by representatives of major groups, as identified in section III of Agenda 21 of the United Nations Conference on Environment and Development.[a]

3. Within the constraints of the available accommodation, such representatives of major groups and other observers will be free to attend the plenary sessions in accordance with established practice.

Agenda

4. At the ninth meeting, the two Co-Chairpersons will propose a provisional agenda setting out a proposed programme of work for the meeting and a timetable for the plenary sessions and the discussion panel, which will be considered and adopted as appropriate.

Discussion panels

5. In its resolution 61/222, the General Assembly decided that at the ninth meeting discussions will focus on the topic "Maritime security and safety". On the basis of consultations with delegations, the two Co-Chairpersons proposed an outline for the topic to be discussed by the panel at the ninth meeting. The Co-Chairpersons will invite a limited number of persons entitled to participate in the panel to launch the discussions by making short presentations on relevant questions.

Report of the ninth meeting

6. The report on the ninth meeting will consist of the following components:

(a) Agreed consensual elements to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea", focused on issues that were discussed at the meeting (see resolution 54/33, para. 3 (h));

(b) A summary of discussions by the Co-Chairpersons of issues and ideas raised at the plenary sessions and discussion panel;

(c) Issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea.

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[a] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution I, annex II.

7. The Co-Chairpersons will present draft elements at the ninth meeting. Member States will have the opportunity formally to consider and propose amendments to the draft elements, if necessary, with the aim of reaching consensus as mentioned in paragraph 6 (a) above. Prior to that, there may be an opportunity for informal discussions by Member States on the draft elements.

8. An advance and unedited version of the Co-Chairpersons' summary of discussions, as mentioned in paragraph 6 (b) above, in English only, will be posted on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los within three weeks of the end of the ninth meeting for delegations to comment.

9. The Co-Chairpersons will submit the report to the President of the General Assembly, incorporating such consensus as is reached on the elements to be suggested to the Assembly and reflecting the comments made on the other components mentioned in paragraphs 6 (b) and (c). In addition, that version of the report, in English only, will be posted on the website of the Division for Ocean Affairs and the Law of the Sea.

Annex II

Annotated provisional agenda for the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Monday, 23 June 2008 **10 a.m.-1 p.m.**[a]

First plenary session

Item 1. Opening of the ninth meeting

Item 2. Adoption of the agenda

1. The Consultative Process is invited to consider and, as appropriate, to adopt the agenda for the ninth meeting. The schedule of agenda items is indicative: agenda items may be advanced, depending on the progress made in the discussions.

Item 3. General exchange of views on areas of concern and actions needed, including on issues discussed at previous meetings

2. Item 3 has been divided and is scheduled to be continued at the second plenary session. Issues discussed at previous meetings will be taken up at that time, along with any further exchanges on the area of focus and exchanges on issues other than those relating to the area of focus.

3. In this connection, it is suggested that at the first plenary session delegations limit their interventions to the topic for the ninth meeting, "Maritime security and safety". Owing to time constraints and the potential number of speakers, delegations are kindly requested to limit their interventions to no more than five minutes.

3-6 p.m.[a]

Discussion panel
Maritime security and safety

4. Based on the areas of concentration for the discussion panel set forth in annex III, it is proposed that the discussion panel segments be organized as set out below. In each segment, it is proposed to commence with panel presentations followed by discussions among delegations and panellists.

Segment 1
Overview of threats to maritime security, their impacts and responses thereto, with a focus on piracy and armed robbery against ships

(a) Panel presentations;

(b) Discussion.

[a] All meetings will commence promptly at 10 a.m. and 3 p.m.

Tuesday, 24 June 2008 **10 a.m.-1 p.m.**[a]

Discussion panel (*continued*)

Segment 2
Prevention and suppression of transnational organized crime

(a) Panel presentations;

(b) Discussion.

3-6 p.m.[a]

Segment 3
Experiences and challenges in maritime safety

(a) Panel presentations;

(b) Discussion.

Wednesday, 25 June 2008 **10 a.m.-1 p.m.**[a]

Discussion panel (*continued*)

Segment 4
Focus on people at sea

(a) Panel presentations;

(b) Discussion.

3-6 p.m.[a]

Discussion panel (*continued*)

Segment 5
Maritime security and safety: enhancing cooperation, coordination and integration, and increasing capacity-building

(a) Panel presentations;

(b) Discussion.

Thursday, 26 June 2008 **10 a.m.-1 p.m.**[a]

Second plenary session

Item 3. General exchange of views on areas of concern and actions needed, including on issues discussed at previous meetings (continued)

5. An opportunity will be provided for interventions relating to the panel discussions. In particular, key intergovernmental organizations will be invited to address possible responses to the issues raised in the panel from the point of view of their mandates and available practical tools and in the context of cooperation and coordination. Relevant major groups may also be invited to submit joint statements on their possible contribution with respect to the issues raised in the panel.

6. Furthermore, States, intergovernmental organizations and non-governmental organizations may wish to identify events or meetings where issues raised by the

discussion panel could be further discussed or where future work could be advanced.

7. During the consideration of item 3, an opportunity will also be provided for statements on issues other than those relating to the topic "Maritime security and safety". General Assembly resolution 54/33 provides that, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, the Consultative Process is to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the report of the Secretary-General on oceans and the law of the sea (A/63/63) and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

8. The relevant intergovernmental organizations, funds or programmes of the United Nations will be provided with an opportunity to present an update of relevant developments in relation to the topics discussed at previous meetings.

3-6 p.m.[a]

Third plenary session[b]

Item 4. Inter-agency cooperation and coordination

9. The Coordinator of the Oceans and Coastal Areas Network (UN-Oceans), the inter-agency mechanism for cooperation and coordination, will be invited to provide information on its activities.

10. There will also be an update by representatives from the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the lead agencies, regarding the "assessment of assessments", a preparatory phase towards the establishment of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

Item 5. Issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea

11. The Consultative Process will be presented with a composite streamlined list of issues that could benefit from attention in the future work of the General Assembly, prepared by the Co-Chairpersons on the basis of part C of the reports on the work of the Consultative Process from its fourth to eighth meetings (A/58/95, A/59/122, A/60/99, A/61/156 and A/62/169). The Co-Chairpersons will inform the Consultative Process of the additional issues that have been suggested by delegations during the ninth meeting for inclusion in the list of issues that could benefit from attention in the future work of the General Assembly.

[b] If the meeting is adjourned before 6 p.m., the remaining time will be used by the Co-Chairpersons for the preparation of the draft elements so as to enable their distribution prior to 27 June.

Friday, 27 June 2008 **10 a.m.-1 p.m.**[a]

Fourth plenary session

Item 6. Consideration of elements to be suggested to the General Assembly

12. The Consultative Process will be invited to agree by consensus upon a draft text of elements[c] to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea" (see format in annex I).

3-6 p.m.[a]

Fifth plenary session

Item 6. Consideration of elements to be suggested to the General Assembly (continued)

[c] It is planned to circulate the draft elements for possible informal discussions in advance of consideration of agenda item 6.

Annex III

Proposed areas of concentration for the discussion panel on the topic "Maritime security and safety"

Information contained in the report of the Secretary-General

1. Chapter V, on maritime security and safety, of the report of the Secretary-General on oceans and the law of the sea to the General Assembly at its sixty-third session (A/63/63, paras. 35-228) provides background information for the discussion panel on maritime security and safety.

2. The chapter provides an overview of the relevant international legal framework for maritime security, describes measures taken to address the specific threats (piracy and armed robbery against ships; terrorist acts involving shipping, offshore installations and other maritime interests; illicit trafficking in arms and weapons of mass destruction; illicit traffic in narcotic drugs and psychotropic substances; smuggling and trafficking of persons by sea; illegal, unreported and unregulated fishing; and intentional and unlawful damage to the marine environment), and highlights current challenges.

3. The current challenges with regard to maritime security highlighted in the chapter relate to enhancing the effectiveness of the international legal framework; strengthening the implementation of maritime security measures (through flag, port and coastal States' implementation, and assessing implementation); and strengthening capacity-building and cooperation and coordination. Attention is also drawn to the need to address concerns related to the impacts of maritime security measures on the economy, the shipping industry, people and the marine environment. The chapter also highlights the need for an integrated approach in addressing threats to maritime security at all levels.

4. With regard to maritime safety, the chapter provides an overview of the relevant international legal framework, describes recent activities related to maritime safety (in the areas of safety of ships; training of crew, labour conditions and fair treatment; transport of dangerous goods; safety of navigation; implementation and enforcement; treatment of persons rescued at sea; and maritime casualties or incidents and marine pollution) and highlights current challenges.

5. The current challenges with regard to maritime safety highlighted in the chapter relate to enhancing the effectiveness of the international legal framework; strengthening the implementation of maritime safety measures (through flag State implementation; the role of coastal and port States; effectively implementing instruments applicable to seafarers and fishers, and those applicable in cases where persons are rescued at sea); and strengthening capacity-building, and cooperation and coordination.

Discussion panel segments

6. It is recognized that most of the issues described in the Secretary-General's report are already being dealt with in other forums and that the Consultative Process should take an approach which can best supplement and add value to these ongoing processes. A broader thematic approach to the organization of the discussion panel is therefore suggested to facilitate more comprehensive and integrated consideration

of the range of maritime security and safety issues and a focus on cross-cutting issues (for example, cooperation and coordination and capacity-building), while still enabling attention to be given to particular issues in maritime security and safety. In each case, it will be important to reflect various perspectives, including those of States (flag, port, coastal or third States), intergovernmental organizations and the major groups as identified in Agenda 21. In considering the topic, "Maritime security and safety", it is therefore proposed that the panel concentrate its discussions on the following areas:

(a) *Overview of threats to maritime security, their impacts and responses thereto, with a focus on piracy and armed robbery against ships*:

(i) Overview of threats to maritime security and their impacts;

(ii) Challenges in implementation and enforcement, with a focus on piracy and armed robbery against ships;

(b) *Prevention and suppression of transnational organized crime*:

(i) Overview of actions taken to address transnational organized crime;

(ii) Challenges in implementation and enforcement, with a focus on illicit traffic in narcotic drugs and psychotropic substances, and smuggling and trafficking of persons by sea;

(iii) Assessment of the potential linkages between transnational organized crime and illegal, unreported and unregulated fishing and intentional and unlawful damage to the marine environment;

(c) *Experiences and challenges in maritime safety*:

(i) Overview of issues in maritime safety, in particular safety of ships; training of crew, labour conditions and fair treatment (see also (d) below); transport of dangerous goods; safety of navigation; treatment of persons rescued at sea (see also (d) below); maritime casualties or incidents and marine pollution; and safety zones around artificial islands, installations and structures;

(ii) Challenges in implementation and enforcement: flag, port and coastal States' perspectives;

(d) *Focus on people at sea*:

(i) Safety and security issues confronting seafarers and fishers;

(ii) Treatment of persons rescued at sea;

(e) *Maritime security and safety: enhancing cooperation, coordination and integration, and increasing capacity-building*:

(i) Current activities and opportunities for strengthening cooperation and coordination/integration at all levels (for example, within States, regionally and globally);

(ii) Opportunities and mechanisms for increased capacity-building.